

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 CHAD STANBRO,  
5

PLAINTIFF,

6 -against-

Case No.:  
19-CV-10857

7  
8 WESTCHESTER COUNTY HEALTH CORPORATION,  
9 WESTCHESTER MEDICAL CENTER, FRANK WEBER,  
10 AND JOHN FULL,

DEFENDANTS.

11 CHAD STANBRO,  
12

PLAINTIFF,

13 -against-

Case No.:  
19-CV-10857

14  
15 C.O. NADYA PALOU, C.O. RAYMOND DEAL, C.O.  
16 KRISTOPHER LEONARDO, C.O. RICHARD LANDRY,  
17 CORRECTION NURSE GARY PAGLIARO, AND  
CORRECTION SERGEANT ENRIQUE TORRES,  
DEFENDANTS.

18  
19 DATE: March 2, 2021  
20 TIME: 10:00 A.M.

21 DEPOSITION of the Defendant,  
22 KRISTOPHER LEONARDO, taken by the  
23 respective parties, pursuant to an Order  
24 and to the Federal Rules of Civil  
25 Procedure, held via videoconference, before  
Victoria Chumas, a Notary Public of the  
State of New York.

1  
2 A P P E A R A N C E S:  
3

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Also present:  
Glenn Miller  
Jason Miller  
Andrew Weiss

\* \* \*

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

\* \* \* \*

1 K. LEONARDO

2 K R I S T O P H E R L E O N A R D O,  
3 called as a witness, having been first duly  
4 sworn by a Notary Public of the State of  
5 New York, was examined and testified as  
6 follows:

7 EXAMINATION BY

8 MR. SIVIN:

9 (Whereupon, PDF document was  
10 deemed marked as Plaintiff's Exhibit  
11 24 for identification as of this date  
12 by the Reporter.)

13 Q. Please state your name for the  
14 record.

15 A. Kristopher Leonardo.

16 Q. What is your address?

17 A. 165 Plank Road, Cocksackie, New  
18 York 12051.

19 Q. Good morning, Officer.

20 A. Good morning.

21 Q. My name is Edward Sivin. I  
22 represent the plaintiff in these  
23 consolidated actions. I'm going to ask you  
24 some questions relating to an incident that  
25 took place at Westchester Medical Center on

1 K. LEONARDO

2 August 31, 2018. If for any reason you  
3 don't understand a question, or you don't  
4 hear a question well, or a question is  
5 unclear to you, don't answer the question.  
6 Ask me to repeat or rephrase it, and I will  
7 do so, okay?

8 A. Sure. Thank you.

9 Q. And please make sure all of  
10 your answers are verbal because the  
11 stenographer can't take down hand gestures  
12 or head gestures, okay?

13 A. Yes.

14 Q. Are you currently a correction  
15 officer with the Department of Corrections  
16 and Community Supervision?

17 A. I am.

18 Q. And your rank is correction  
19 officer?

20 A. Correct.

21 Q. When did you graduate the  
22 academy?

23 A. I'm not exactly sure of my  
24 graduation date, but my start date was  
25 May 21st of 2005.

1 K. LEONARDO

2 Q. Actually, let's back up.

3 A. I know --

4 Q. Go ahead.

5 A. I know it's an eight-week  
6 academy, so eight weeks after that would  
7 have been my graduation date.

8 Q. What is your highest level of  
9 education?

10 A. I have some college.

11 Q. Where did you go to college?

12 A. I went to SUNY Oswego right  
13 after high school, and then I transferred  
14 to Hudson Valley.

15 Q. Do you know the full name of  
16 Hudson Valley?

17 A. Hudson Valley Community  
18 College.

19 Q. What did you study at Oswego?

20 A. Early childhood education.

21 Q. And how about at Hudson Valley  
22 Community College?

23 A. Same major.

24 Q. Did you obtain a degree from  
25 either?

1 K. LEONARDO

2 A. I did not.

3 Q. When did you last attend Hudson  
4 Valley Community College?

5 A. I don't know. I'm not sure of  
6 the exact date.

7 Q. Give me your best  
8 approximation.

9 A. I would say, I can give you a  
10 year. Probably 2003.

11 Q. Were you employed at all  
12 between 2003 and May of 2005 when you began  
13 working for DOCCS?

14 A. Yes.

15 Q. Where were you employed during  
16 that period?

17 A. Vanguard Roofing.

18 Q. Were you employed anywhere else  
19 during that period?

20 A. No.

21 Q. Where was Vanguard Roofing  
22 company located?

23 A. It's in Selkirk, New York.

24 Q. How old are you, Officer?

25 A. 38.



1 K. LEONARDO

2 Q. How tall are you?

3 A. About 5'7".

4 Q. And in August of 2018,  
5 approximately how much did you weigh?

6 A. Maybe 190 pounds.

7 Q. Did you play any sports growing  
8 up?

9 A. I did.

10 Q. What type of sports?

11 A. Baseball, little league, and  
12 football.

13 Q. Did you play any varsity sports  
14 in high school?

15 A. Football.

16 Q. Anything else in high school?

17 A. Nope.

18 Q. How about in college?

19 A. Nothing in college.

20 Q. What position did you play in  
21 varsity football?

22 A. Full back and linebacker.

23 Q. Do you have any martial arts  
24 training?

25 A. Nothing currently. I think

1 K. LEONARDO

2 when I was maybe eight or nine years old I  
3 did about a month in karate.

4 Q. How about any boxing?

5 A. No.

6 Q. Do you have lift weights?

7 A. I exercise.

8 Q. And what does that exercise  
9 consist of?

10 A. Light weight training, cardio,  
11 treadmill, spin class.

12 Q. Did you also lift weights in  
13 August of 2018?

14 A. I did.

15 Q. For how long a period of time  
16 prior to August of 2018 would you say you  
17 lifted weights?

18 A. I don't really have a time. I  
19 have been physically active my whole life.  
20 I try to stay in shape just to be healthy,  
21 so probably since I was a kid. I played  
22 sports in high school. I pretty much  
23 always maintained a healthy lifestyle.

24 Q. I would like you to take me  
25 through your assignments from when you

1 K. LEONARDO

2 graduated the academy up into the present  
3 in the following format: From May of 2005  
4 I was at such and such a facility until  
5 such and such a date, okay?

6 A. I will do my best.

7 Q. Okay. Thank you.

8 A. From May, like I said, I  
9 started the academy, so I was at the Albany  
10 training academy for approximately eight  
11 weeks. I graduated. I think we had a week  
12 in between where we were able to go home  
13 and see our families. Then, I went to  
14 Green Haven. That was my first assignment,  
15 Green Haven Correctional Facility. I was  
16 there approximately four months, and then I  
17 transferred here to Greene, and I have been  
18 here ever since.

19 Q. And August of 2018, did you  
20 have a bid job at Greene?

21 A. I did.

22 Q. And what is a bid job?

23 A. A bid job is where that's your  
24 job every day basically. You are not  
25 resource. Resource, every day, you get a

1 K. LEONARDO

2 A. I'm sorry.

3 Q. It's alright. Is Officer  
4 Landry still employed at Greene?

5 A. Yes.

6 Q. Is he a friend of yours?

7 A. I would consider him a friend.  
8 We don't hang out outside of work, but at  
9 work I would consider him a friend, yeah.

10 Q. Had you ever socialized with  
11 Officer Landry outside of work?

12 A. Via text message.

13 Q. Can you explain that?

14 A. Just I text him, he'd text me.

15 Q. And this would be outside of  
16 work hours?

17 A. I'm sorry?

18 Q. And this would be outside of  
19 work hours?

20 A. Yeah. We are not allowed to  
21 have phones at work, so yes. Outside of  
22 work.

23 Q. Other than texting each other,  
24 have you socialized in any manner with  
25 Officer Landry outside of work?

1 K. LEONARDO

2 A. Yes. I believe we had gotten  
3 together one time for like a lunch meeting  
4 outside of work once, yes.

5 Q. Approximately, when was that?

6 A. I don't recall enough to give  
7 an accurate answer.

8 Q. Was this before or after the  
9 incident involving this case which was  
10 August 31, 2018?

11 A. It was after.

12 Q. Now, you characterized it as a  
13 lunch meeting. Can you tell me what this  
14 actually was?

15 A. Yeah. We got together, we had  
16 lunch. We had inquired through our union  
17 to perhaps get a lawyer for the current  
18 case. So we had spoken to a lawyer  
19 briefly. I think we maybe hung out for  
20 another five or 10 minutes afterwards, and  
21 then we left. We parted ways, and that was  
22 it.

23 Q. So this was a meeting  
24 specifically to discuss this case?

25 A. Well, we were going to go

1 K. LEONARDO

2 acquire the same lawyer through our union,  
3 so yeah. We didn't ride up together, but  
4 we met up together at this place, and we  
5 had lunch while we were out, went and spoke  
6 to the lawyer and then left.

7 Q. Before the two of you met with  
8 the lawyer, did you and Officer Landry  
9 discuss the incident that underlies this  
10 case?

11 A. Yeah. No specifics, but just  
12 obviously we were nervous or curious on  
13 what was going on, so yeah. I'm sure we  
14 have texted once or twice about the case.

15 Q. Do you still have those text  
16 messages?

17 A. I do not.

18 Q. Why is that?

19 A. I have an Apple iPhone 6.  
20 There is not a lot of storage. I do not  
21 really save anything on it. I delete all  
22 of my texts, all of my emails I don't need  
23 just to keep space on the phone.

24 Q. So any text messages you've had  
25 with Officer Landry regarding this case you

1 K. LEONARDO

2 have since deleted; is that correct?

3 A. Correct.

4 Q. Okay. Other than that lunch  
5 meeting that you had, was there any  
6 occasion where you discussed the underlying  
7 incident or this case at all with Officer  
8 Landry?

9 A. No. Just the few times I  
10 already mentioned.

11 Q. Those few times you mean by  
12 text, correct?

13 A. Correct.

14 Q. On August 31, 2018, what was  
15 your understanding of your role at  
16 Westchester Medical Center in connection  
17 with the inmates who you escorted there?

18 A. Care, custody, control of the  
19 inmates, my environment, everyone in the  
20 environment, myself, my fellow officers.  
21 Make sure everybody is safe. Make sure  
22 that the inmates are safe, that the  
23 procedures they went there to get done were  
24 either performed or if they denied them,  
25 then they were just denied by them, and to

1 K. LEONARDO

2 Q. When you say "maybe in the  
3 doorway area," did you see Dr. Weber in the  
4 doorway area when you saw Mr. Stanbro  
5 stand up?

6 A. I saw him -- the room is very  
7 small, so I say doorway area because he may  
8 have even been under the door. So I don't  
9 want to say he was in the room if he was  
10 under the door jam, but he was definitely  
11 right next to inmate Stanbro.

12 Q. And tell me what happened as  
13 soon as you entered the room?

14 A. I entered the room, again, I am  
15 paid to observe, so I am kind of taking  
16 everything in as quick as I can and still  
17 be focused on inmate Stanbro. I get in  
18 between him. I notice that there is a tray  
19 of class A and B weapons as far as we would  
20 consider them in a facility. In a dental  
21 facility, I guess they are just utensils,  
22 but there was a tray or something of  
23 utensils. I noticed that, and I am just  
24 thinking this could go bad very quickly.  
25 I just at first tried to verbally calm the



1 K. LEONARDO

2 situation, if I can. I don't recall  
3 exactly what I was saying to inmate  
4 Stanbro. I was telling him to calm down.  
5 It will be all right. Relax, relax. I  
6 believe things of that nature. At that  
7 time, Stanbro took a swing at Dr. Weber,  
8 who was still relatively close to me over  
9 my left shoulder. "My" meaning like the  
10 way I feel it, not the way you would look  
11 at me. So my left shoulder, he took a  
12 swing over. I assumed at that point that  
13 he had punched him. From my vantage point,  
14 it looked like he had hit the doctor.  
15 Then, at this point, it's all happening  
16 very quickly. In the midst of all that,  
17 Officer Deal is now getting up. He is  
18 making his way to the scene, and the inmate  
19 now punches over my right shoulder and  
20 connects with Officer Deal knocking him  
21 backwards. At that moment, I take my arms  
22 and I want to now obviously stop what's  
23 going on because I don't want to be next.  
24 I don't want to be a victim as well. So I  
25 put my arms over top of inmate Mr.

1 K. LEONARDO

2 Stanbro's arms and in like half a bear hug.

3 I say "half" because I know I did not

4 clinch behind him. I didn't want to get

5 that close to him for a headbutt or

6 something like that. I just kind of

7 squeezed his arms with my arms down to his

8 side, laid him back in the dental chair,

9 crossed over to the left side of him, and I

10 held down his left arm until the other

11 officers could assist in holding him down

12 until we could get him restrained.

13 Q. Other than put Mr. Stanbro in  
14 that half bear hug as you characterized it  
15 and placing him down in the dental chair,  
16 did you use any other force against Mr.  
17 Stanbro?

18 A. No. Other than that I held him  
19 in the chair by his left arm until the  
20 other officers could assist to restrain  
21 him.

22 Q. I would like you to detail for  
23 me what parts of your body were in contact  
24 with what parts of Mr. Stanbro's body  
25 during your use of force against him?

1 K. LEONARDO

2 A. To the best of my knowledge --  
3 it is a very broad question. I would say  
4 to the best of my knowledge, both of my  
5 arms were on both of his arms. I had my  
6 one or both of my hands were on his  
7 shoulder area, his left arm. That's really  
8 all I can remember.

9 Q. What portions of your arms were  
10 against his arms?

11 A. I would say between the elbow  
12 and wrist forearm area.

13 Q. And when you were holding down  
14 his arm, were you holding it down with your  
15 hands, with your forearm, or something  
16 else?

17 A. I believe I had my left arm  
18 somewhere on his actual arm, maybe bicep,  
19 to hold it down. And then, I think I had  
20 my right arm maybe on his upper shoulder  
21 area of the same arm, his left arm.

22 Q. Now, were there two parts of  
23 this dental chair, like an upper part  
24 against which the patient's back is  
25 situated and a lower part against which the

1 K. LEONARDO

2 patient's legs are situated?

3 A. I don't know if there's two  
4 separate parts, but yeah. It inclines and  
5 declines like a general dental chair would.  
6 I don't know if it's a two-part chair or  
7 not. It could be one part.

8 Q. But the entire structure is  
9 angled in some manner, correct?

10 A. Yes. It goes up and down.

11 Q. When you first saw Mr. Stanbro  
12 in that dental chair, describe for me as  
13 best you can, the nature of the angle. Was  
14 it a 90-degree? Was it completely flat?  
15 Somewhere in between? Something else?

16 A. Very broadly I could say a  
17 45-degree angle. Could have been 50.  
18 Could have been 60. Wasn't straight up.  
19 Wasn't straight back.

20 Q. When you placed Mr. Stanbro  
21 back down into the chair, did you place him  
22 in the same position he was in before he  
23 got out of the chair or in some different  
24 position?

25 A. I don't want to assume. I

1 K. LEONARDO

2 can't answer that accurately. I was not in  
3 the room while he was laying down. I was  
4 in the room when he stood up, so I don't  
5 know.

6 Q. Well, when you placed him back  
7 in the chair, did you place him facing up?

8 A. Facing up.

9 Q. And was he at that point  
10 sitting in the chair, was he lying in the  
11 chair, or something else?

12 A. He was sitting in the chair the  
13 way that he would sit in a chair if you  
14 voluntarily got in the chair.

15 Q. How much time elapsed between  
16 the time you entered room and the time you  
17 got Mr. Stanbro back into his chair?

18 A. I can't say accurately. If I  
19 had to say -- I really can't say  
20 accurately. A couple of minutes. What  
21 felt like to me a couple of minutes. Like  
22 maybe a minute.

23 Q. When you use the term --

24 A. Not very long.

25 Q. -- are you indicating that

1 K. LEONARDO

2 under these circumstances that time might  
3 seem a little longer than it actually was?

4 MS. COLLINS: Objection. You  
5 can answer.

6 A. I would not say longer or  
7 shorter. I would say time isn't of the  
8 essence when you are in the middle of  
9 something like that.

10 Q. Other than swinging at officer  
11 Dr. Weber -- I'm sorry. Other than  
12 swinging at Dr. Weber and swinging at  
13 Office Deal, did you see Mr. Stanbro doing  
14 anything else between the time that you  
15 entered the room and the time you got him  
16 back into the chair?

17 A. No.

18 Q. Now, did you actually see Mr.  
19 Stanbro make physical contact with Dr.  
20 Weber?

21 A. No.

22 Q. Did you actually see Mr.  
23 Stanbro make physical contact with Officer  
24 Deal?

25 A. Yes.

1 K. LEONARDO

2 Q. Where was Officer Deal when Mr.  
3 Stanbro made physical contact with him?

4 A. He would have been behind, to  
5 my right side, either slightly behind me or  
6 directly next to me on the side.

7 Q. And describe the nature of the  
8 contact that Mr. Stanbro made with Officer  
9 Deal at this point.

10 A. He just threw a punch over my  
11 shoulder, my right shoulder, and he  
12 connected with Officer Deal.

13 Q. What part of Officer Deal did  
14 Mr. Stanbro strike?

15 A. I would call it collarbone,  
16 face/neck area. Enough to throw Officer  
17 Deal backwards into the wall.

18 Q. Is that the left side of  
19 Officer Deal, right side, middle, or  
20 something else?

21 A. To the detail of the strike, I  
22 can't really specify.

23 Q. Did you see Mr. Stanbro kick  
24 anybody at any point?

25 A. I didn't witness a kick, no.

1 K. LEONARDO

2 Q. When you placed Mr. Stanbro  
3 back into the chair, where were you in  
4 relation to the chair? Just describe that  
5 for me.

6 A. I was on the left side of the  
7 chair as if you were sitting in it, and  
8 probably more toward the headrest than I  
9 was toward the feet, so maybe right in the  
10 middle, slightly backwards from the middle  
11 of the chair toward the headrest. A little  
12 more than toward the feet.

13 Q. Just so I'm clear on this, from  
14 the perspective of somebody looking in the  
15 room, the head of the chair would be closer  
16 to the door, and the foot would be closer  
17 to the side of the room opposite the door,  
18 correct?

19 A. Correct.

20 Q. So when you entered the room,  
21 which portion of the chair did you first  
22 approach?

23 A. It would be the right side of  
24 the chair if you were sitting in it.

25 Q. Okay. Is that the same



1 K. LEONARDO

2 position you were in when you placed Mr.  
3 Stanbro in the chair?

4 A. Yes.

5 Q. Now, you say when you first  
6 entered the room, you got in between Mr.  
7 Stanbro and Dr. Weber. At that point, were  
8 you facing Mr. Stanbro?

9 A. Yes.

10 Q. Was Dr. Weber behind you kind  
11 of facing your back?

12 A. Yes.

13 Q. And the tray in which you saw  
14 items that you characterized as equivalent  
15 to weapons, where was that tray situated?

16 A. I don't recall accurately. I  
17 just remember seeing it in the room. It  
18 caught my eye. I just remember scanning  
19 the room and seeing a tray with tools on  
20 it, utensils, weapons, whatever you want to  
21 refer to them as, dental equipment.

22 Q. Did there come a time after you  
23 entered the room when Mr. Stanbro no longer  
24 appeared agitated?

25 A. Not until we got him back into

1 K. LEONARDO

2 the chair. Once I got him back into the  
3 chair, he was not really being forceful,  
4 but he still seemed agitated based off he  
5 was grunting, kind of making the hulking up  
6 kind of motion. He was irritated or  
7 agitated.

8 Q. Now, you say "hulking" up?

9 A. Hulking. Like, (Indicating)  
10 almost like you are preparing for  
11 something. I guess it would be like you  
12 are about to lift heavy weights, and you  
13 are (Indicating) hulking yourself up.  
14 That type of sound.

15 Q. And for how long a period of  
16 time did Mr. Stanbro remain in the chair  
17 hulking up as you characterized it?

18 A. For the remainder of the time I  
19 was in there. He never stopped making that  
20 noise.

21 Q. For how long a period did you  
22 hold down Mr. Stanbro?

23 A. Again, I can't accurately  
24 answer. I would say until he was  
25 mechanically restrained. However long that

1 K. LEONARDO

2 took to get the waist chain on him and the  
3 handcuffs.

4 Q. Can you give me your best  
5 approximation as to the amount of time that  
6 elapsed between the point you put him down  
7 in the chair and the time he was restrained  
8 with handcuffs?

9 A. Again, I would say what felt to  
10 me like about four minutes, three to  
11 four minutes. I know there was a period of  
12 time where, again, you asked me if I  
13 witnessed a kick. I did not witness a  
14 kick, but there was a period of time where  
15 Officer Deal was trying to get restraints  
16 and was knocked back into the wall.

17 Q. Did you see that?

18 A. I saw him fall back into the  
19 wall, yes. Because it made a noise, I  
20 looked, and saw him fall back into the  
21 wall.

22 Q. But you did not see what caused  
23 him fall to fall back; is that correct?

24 A. I can't answer accurately of  
25 what caused the fall, correct.

1 K. LEONARDO

2 Q. Describe all force that you  
3 observed being used on Mr. Stanbro other  
4 than the force that you used.

5 MS. COLLINS: Objection to the  
6 form of the question with respect to  
7 when.

8 Q. At any time inside of that  
9 dental office, did you see anybody else use  
10 force against Mr. Stanbro?

11 A. Yeah. I mean, even applying  
12 mechanical restraints in a situation like  
13 that is technically considered force, so  
14 yeah. I remember watching, talking Officer  
15 Deal through putting the waist chain around  
16 him, putting the handcuffs on him, and  
17 applying the lock to the waist chain from  
18 the handcuffs. That force, if it would be  
19 considered force, I did witness. Other  
20 than that, I can't give accurately whether  
21 I saw somebody else specifically using any  
22 type of force or not.

23 Q. Do you recall anyone placing  
24 their hands on Mr. Stanbro other than you  
25 and other than in connection with putting

1 K. LEONARDO

2 on his handcuffs, and his waist chain, and  
3 his leg restraints?

4 A. All of my answers would be  
5 speculative. I can assume. I did not  
6 physically see somebody's hands in a  
7 certain position, but I can assume. I  
8 remember Officer Palou coming in, probably  
9 restraining his other arm. Again, I don't  
10 know where her hands were or whatever. I  
11 know Officer Deal at one point had a hold  
12 of Stanbro's leg irons or his feet at some  
13 point to restrain them. But to actually  
14 witness it or to see the actual point of  
15 contact, no.

16 Q. Did Officer Landry enter the  
17 room at some point?

18 A. He did.

19 Q. Did you see Officer Landry  
20 touch Mr. Stanbro in any manner?

21 A. Again, I can't answer  
22 accurately to that.

23 Q. Did you see Officer Deal touch  
24 Mr. Stanbro in any manner other than when  
25 he was applying the restraint?

1 K. LEONARDO

2 A. Again, I can't answer  
3 accurately.

4 Q. Did you see Officer Palou touch  
5 Mr. Stanbro in any manner?

6 A. Again, same answer. I can't  
7 answer accurately.

8 Q. After Mr. Stanbro first became  
9 agitated, did you see anyone else touch Mr.  
10 Stanbro in any manner?

11 A. Again, I can't answer  
12 accurately to who or if somebody did. I  
13 don't know.

14 Q. Did you ever place your knee or  
15 leg against any portion of Mr. Stanbro's  
16 body?

17 A. No.

18 Q. Did you ever place your forearm  
19 or elbow against Mr. Stanbro's neck?

20 A. No.

21 Q. Did you ever place your hand  
22 against Mr. Stanbro's neck?

23 A. No.

24 Q. Did you touch Mr. Stanbro's  
25 neck at any point with any part of your

1 K. LEONARDO

2 body?

3 A. No. Not to my knowledge, no.

4 Q. Did you see anyone else touch  
5 Mr. Stanbro's neck with any portion of  
6 their body?

7 A. No.

8 Q. Based upon what you saw that  
9 day, do you believe it was necessary to  
10 restrain Mr. Stanbro by the neck?

11 MS. COLLINS: Objection. You  
12 can answer.

13 A. I don't really understand the  
14 question. No. We did not need to, so  
15 there would be no reason to.

16 Q. Based upon all of the  
17 circumstances and Mr. Stanbro's conduct,  
18 would it have been appropriate for you to  
19 have restrained Mr. Stanbro by his neck?

20 A. No.

21 Q. Would it have been appropriate  
22 for anyone in the room to have restrained  
23 Mr. Stanbro by his neck?

24 A. Given the circumstances that we  
25 were in, no. We didn't need to, no.

1 K. LEONARDO

2 MR. SIVIN: Deanna, I think you  
3 are kind of frozen right now.

4 (Whereupon, a short recess was  
5 taken.)

6 (Whereupon, the referred to  
7 testimony was read back by the  
8 Reporter.)

9 Q. Officer Leonardo, at the point  
10 that you left the dental room, Mr. Stanbro  
11 was in the dental chair, fully restrained,  
12 handcuffs, and leg irons, correct?

13 A. I don't know if that's how he  
14 was situated at the time that I had left  
15 the room. I don't know how much time had  
16 elapsed because I remember I was talking to  
17 everyone in the room, making sure everyone  
18 was okay. I don't know if I re-looked at  
19 him before I left. I don't know his exact  
20 positioning, but I remember him being in  
21 the chair.

22 Q. There came a time when you took  
23 your hands off Mr. Stanbro and you were no  
24 longer holding down his arms, correct?

25 A. Yes.



1 K. LEONARDO

2 Q. And was that after the  
3 handcuffs and leg irons had been applied?

4 A. Correct.

5 Q. Describe how Mr. Stanbro  
6 appeared to you at that point.

7 A. The same. Like I said, once he  
8 was laid back in the chair, his demeanor  
9 really did not change the entire time. He  
10 just --

11 Q. So describe -- I'm sorry.  
12 Continue.

13 A. He just stayed -- I wish I had  
14 a better term for it -- hulking, kind of  
15 grunting, you know, deep breath kind of  
16 grinding your teeth, kind of upset with the  
17 situation kind of attitude?

18 Q. At the point that you no longer  
19 were holding him down, did he appear  
20 conscious to you?

21 A. Yes.

22 Q. Were his eyes open?

23 A. Yes.

24 Q. Was he speaking?

25 A. Again, not really speaking

1 K. LEONARDO

2 words per se, but just heavy breathing.

3 Q. Did he appear to be in the same  
4 physical condition as he had been before  
5 you entered the room?

6 A. Yes.

7 Q. Was he moving at all at that  
8 point?

9 A. He was restrained at that  
10 point, sitting down, but yeah. He was not  
11 100 percent still. He was moving his head,  
12 and he was moving. There was motion. He  
13 wasn't dancing, but he was moving.

14 Q. To the extent that he could in  
15 restraints, he was moving his arms, and his  
16 legs, and his body as well?

17 A. I can't accurately answer what  
18 particular limb he was moving, but he was  
19 moving.

20 Q. Well, did you observe any  
21 physical deficits in him after you used  
22 force on him?

23 A. No. Because at one point, he  
24 even threw himself onto the floor. I mean,  
25 he was able to move.

1 K. LEONARDO

2 Q. When did he throw himself on  
3 the floor?

4 A. Time-wise, I don't know, but it  
5 was obviously after he was restrained. All  
6 force was done. I don't know exactly how  
7 many minutes after the initial incident,  
8 but some point while were we still dealing  
9 with what was going on, he had thrown  
10 himself on the floor.

11 Q. Describe for me what you  
12 actually saw that you characterize as him  
13 throwing himself on the floor.

14 A. I didn't see the whole episode.  
15 I can give you the parts that I saw. I  
16 remember vaguely at one point, I think he  
17 had sat up. Again, I don't know if this  
18 was directly after or if I had left the  
19 room and came back in. That's why I didn't  
20 really answer this to your previous  
21 question because I don't know if I left the  
22 room and came back at this point. But I do  
23 remember seeing him sitting up kind of at  
24 the foot of the chair, I guess you would  
25 say, where the legs go, kind of upright.

1 K. LEONARDO

2 And then he just, I guess, threw or flopped  
3 himself onto the floor, threw himself off  
4 of that onto the floor.

5 Q. So did you keep him under  
6 constant observation from the point that he  
7 sat up in the chair and the time you saw  
8 him go off the chair onto the floor?

9 A. Constant enough to see that he  
10 was the reason he went onto the floor.  
11 Nobody else was in his area. Constant  
12 enough to know that he threw himself on the  
13 floor, yes.

14 Q. Okay. So you concluded that he  
15 voluntarily placed himself on the floor as  
16 opposed to him involuntarily falling to the  
17 floor; is that correct?

18 A. That I can't answer. I don't  
19 know if it was an involuntary fall or  
20 voluntary, but he was sitting upright on  
21 his own, and then I don't know the  
22 timeframe after, but ended up throwing, or  
23 falling, or tossing himself onto the floor.

24 Q. Just so I'm clear. You don't  
25 know if Mr. Stanbro got to the floor of his

1 K. LEONARDO

2 own volition, or if he fell, or by some  
3 other manner; is that correct?

4 MS. COLLINS: Objection.

5 A. Up to this point, I would say  
6 that's correct. I'm sorry.

7 Q. In any event, when he went to  
8 floor, describe how he went to the floor.  
9 What part of his body made contact with the  
10 floor?

11 A. I don't know about initial  
12 contact. I know he was laying in like a  
13 fetal position when he was on the floor.  
14 You know, obviously his waist is chained,  
15 so his hands were at his waist, elbows to  
16 his side. He is laying on his side, knees  
17 kind of curled up a little bit, feet  
18 together.

19 Q. Was he on his right side or his  
20 left side?

21 A. I can't answer that accurately.

22 Q. From the perspective of the  
23 dental chair, was he on the right side of  
24 the dental chair or the left side of the  
25 dental chair?

1 K. LEONARDO

2 A. I would say if you are sitting  
3 in the dental chair, it would have been the  
4 right side of the chair toward the feet  
5 area more. Not directly on the side.  
6 More toward the feet.

7 Q. And when you saw him lying in  
8 the fetal position on the floor, where was  
9 his head? Was it closer to the door,  
10 closer to the opposite wall, or something  
11 else?

12 A. As far as I can remember, I  
13 think it was more toward the wall, feet  
14 more toward the door. When I say "wall," I  
15 mean far wall from the door, so kind of  
16 feet toward the door area, head toward the  
17 opposite wall area.

18 Q. So in the opposite direction  
19 that he would have been seated when he was  
20 in the chair, correct?

21 A. I don't know what you mean by  
22 opposite in that particular instance. I  
23 don't know what you are asking. If he is  
24 sitting upright, he can fall one way or the  
25 other. I don't know what you mean by

1 K. LEONARDO

2 "opposite." If he would have fell the one  
3 way, his head would have been toward the  
4 wall. If he would have fell the other way,  
5 his head would have been toward the door.  
6 So I don't know what you mean by opposite.

7 Q. Well, when he is sitting in the  
8 dental chair, his head is closer to the  
9 door, correct?

10 A. Right, but again, he was  
11 sitting up with his feet on the ground.  
12 Sorry. Go ahead.

13 Q. I understand. But when he was  
14 on the ground, you are saying his head was  
15 no longer closer to the door; is that  
16 correct?

17 A. Correct. As far as I remember,  
18 yes. The first time, yes.

19 Q. Where was his head pointed when  
20 you first saw him on the ground?

21 A. Toward the wall.

22 Q. Which wall?

23 A. Opposite of the door.

24 Q. Okay. And then his feet would  
25 have been closer to the door; is that

1 K. LEONARDO

2 correct?

3 A. Correct.

4 Q. Did you see him actually strike  
5 the ground?

6 A. No.

7 Q. Did you hear him strike the  
8 ground?

9 A. Yeah. I mean, I heard a noise.  
10 I don't know if it was the chains rattling  
11 or him hitting the ground, but I heard  
12 something that drew my attention back to  
13 the area, yes.

14 Q. How soon after you took your  
15 hands off his arms did you observe him  
16 going to the ground?

17 A. I can't answer that accurately.  
18 I'm not sure of the timeframe on that.

19 Q. Just give me your best  
20 estimation.

21 A. Again, maybe a minute or two.

22 Q. Tell me everything you recall  
23 happening during that one or two-minute  
24 period between when you let go of Mr.  
25 Stanbro and the time that you saw him go to



1 K. LEONARDO

2 the floor.

3 A. I don't really recall what  
4 happened.

5 Q. Well, do you recall anything  
6 that happened during that period?

7 A. Not accurately to give you an  
8 answer. I mean, I assume we were  
9 discussing what we were going to do from  
10 this point forward as far as talking to  
11 medical staff. And again, my concern was  
12 to make sure everybody was safe. In my  
13 eyes at that point, basically, you know,  
14 the force was over, and everybody was -- he  
15 was secured. Everybody else was secure.  
16 Nobody seemed harmed, so probably just  
17 conversation about wow, that could have  
18 been bad or whatever. I don't know  
19 accurately to give you 100 percent  
20 description.

21 Q. Putting aside what probably  
22 occurred, am I correct that you have no  
23 recollection, no actual recollection of  
24 what occurred between the time you took  
25 your hands off Mr. Stanbro and the time he

1 K. LEONARDO

2 ended up on the floor; is that correct?

3 A. I have no recollection of  
4 specific conversation, but I remember us  
5 having conversation.

6 Q. Do you remember what those  
7 conversations were about?

8 A. Again, I do not.

9 Q. And do you remember any other  
10 things that occurred during that period  
11 other than some unspecified conversations?

12 A. I don't.

13 Q. Did Mr. Stanbro appear to be  
14 injured as a result of striking the floor?

15 A. No. He did not. Nothing about  
16 Mr. Stanbro changed other than his  
17 position. His demeanor remained the same.

18 Q. He appeared to be as conscious  
19 as before?

20 A. Yes.

21 Q. He appeared to be able to move  
22 as much as before?

23 A. Again, yeah. I believe so.  
24 Nothing really changed about his demeanor.

25 Q. And then, what did you do after

1 K. LEONARDO

2 you observed Mr. Stanbro on the floor?

3 A. Well, I think -- I am not  
4 exactly sure timeframe-wise, again, but at  
5 some point, a female staffer from the  
6 medical center had come in and asked can we  
7 get him up off the floor. Obviously, he is  
8 a patient at the hospital, so we said yes,  
9 if that is what you want. I'm not exactly  
10 sure who helped me, but I believe it was  
11 Officer Deal, I want to say. We both  
12 assisted Mr. Stanbro up, again, because he  
13 is shackled and he has leg restraints on,  
14 so we assisted him up, sat him back on the  
15 chair, and that was it as far as that  
16 particular instance.

17 Q. Now, when you say you "assisted  
18 Mr. Stanbro up," at that point, was Mr.  
19 Stanbro deadweight, or was he able to  
20 participate in getting up, or something  
21 else?

22 A. He was not deadweight. He  
23 assisted once we got him up. He kind of  
24 helped tiptoe over to the chair. And we  
25 sat him back in the chair.

1 K. LEONARDO

2 Q. When you say "tiptoe," do you  
3 mean he took a couple of steps toward the  
4 chair?

5 A. Yeah. I mean, his feet were on  
6 the ground. He was bearing some of his  
7 weight. It was not like his legs were  
8 dangling in the air and we had him  
9 ourselves.

10 Q. Approximately how many steps  
11 did Mr. Stanbro take when you saw him on  
12 the floor and before you got him back into  
13 the dental chair?

14 A. I honestly don't even feel  
15 accurate calling them steps, to be honest.  
16 I can't tell whether they were steps or  
17 not, but like I said, he beared some of his  
18 weight, so steps, I don't really have an  
19 accurate count of how many steps he may  
20 have taken.

21 Q. Was he saying anything at this  
22 point?

23 A. Same demeanor. Just some sort  
24 of hulking sound coming out of his mouth.

25 Q. And just so for the record, can

1 K. LEONARDO

2 you spell the word hulking?

3 A. Hulking, H-U-L-K-I-N-G.

4 Hulking, incredible Hulk.

5 Q. Okay. So after you and someone  
6 else who you believe may have been Officer  
7 Deal placed Mr. Stanbro back in the chair,  
8 what happened next?

9 A. Again, sorry about the  
10 timeframe, but I don't know how many  
11 minutes had elapsed. And then, I don't  
12 remember actually being in the room, I just  
13 remember hearing a crash from a monitor,  
14 and I looked over, and Mr. Stanbro also  
15 threw himself on the ground for a second  
16 time. This time, he just rolled out of the  
17 chair, it had seemed. His positioning on  
18 the floor was as if he rolled out of the  
19 chair and he dragged the monitor that was  
20 hooked to his arm still.

21 Q. Now, did you see Mr. Stanbro  
22 roll to the floor that second time, or did  
23 you first see him when he was on the floor?

24 A. No. I saw him rolling. I  
25 heard like a monitor moving or something,

1 K. LEONARDO

2 and I looked, and again I can't remember if  
3 I was in the room or in the hallway, but I  
4 remember seeing him roll himself out of the  
5 chair one more time.

6 Q. Again, were you able to  
7 determine if this was a voluntary roll, or  
8 if he fell, or something else?

9 A. I would say based off his  
10 positioning in the chair, he was fully  
11 sitting in the chair this time, as if he  
12 voluntarily sat in the chair for a dental  
13 procedure. It would have took a  
14 substantial wind gust to blow him out of  
15 the chair, so I would assume that it was  
16 voluntary. Again, that is an assumption on  
17 my part. It seemed voluntary to me.

18 Q. I mean, did you see him do  
19 anything that one would ordinarily do to  
20 try to get oneself out of the chair?

21 A. I mean, yeah. He rolled. I  
22 can explain it as if you were stealing the  
23 covers from a significant other. You roll  
24 over, and you take the covers with you as  
25 you roll. He rolled, and he dragged the

1 K. LEONARDO

2 monitor with him as he rolled to his side  
3 of the chair, the right side of the chair.

4 Q. Now, as he was sitting in the  
5 chair, where was the monitor in relation to  
6 his body?

7 A. It would be on the left side of  
8 the chair, so his left side, on some sort  
9 of table, or desk, or bench, or something  
10 of that nature. A cabinet or something.

11 Q. Did you see him grab onto or  
12 reach up for this monitor in any manner?

13 A. No. His hands would have been  
14 secured to his waist.

15 Q. But in any event, you then saw  
16 Mr. Stanbro again on the floor for the  
17 second time, correct?

18 A. Correct.

19 Q. What position was he in on the  
20 floor for the second time?

21 A. This time he was head closer to  
22 the door, feet toward the wall.

23 Q. Was he lying on his back, side,  
24 or something else?

25 A. I don't really recall actually

1 K. LEONARDO

2 how he was on the floor at this time.

3 Q. Was he moving on the floor  
4 after he ended up there for the second  
5 time?

6 A. I can't recall accurately.

7 Q. Well, did his demeanor change  
8 at all, or did he appear to be in the same  
9 physical condition he was when you first  
10 saw him?

11 A. At this point, it was all just  
12 noise to me. I didn't really -- I wasn't  
13 super focused on him at this point. I had  
14 other inmates there that I had to tend to,  
15 so I believe at this stage in the game is  
16 where I kind of passed the buck back to the  
17 owning officers and went back to what I was  
18 doing prior to the incident. So I don't  
19 really have any accurate answers from this  
20 point forward as far as what he was doing  
21 himself, inmate Stanbro.

22 Q. What else specifically, if  
23 anything, do you recall about Mr. Stanbro  
24 after you saw him on the floor for the  
25 second time?



1 K. LEONARDO

2 A. Honestly, nothing. I don't  
3 recall anything after that.

4 Q. Did there ever come a time when  
5 you observed Mr. Stanbro and it looked like  
6 he was unable to move his legs?

7 A. No.

8 Q. How about unable to move his  
9 arms?

10 A. Other than just being  
11 mechanically restrained, which is going to  
12 restrict your movement anyway, no.

13 Q. At any time did you observe Mr.  
14 Stanbro have any restrictions in the  
15 movement of his arms, or his legs, or his  
16 body other than the restrictions that  
17 ordinarily would have come from handcuffs  
18 or leg irons?

19 A. No.

20 Q. Did he appear to you to be  
21 perfectly normal physically --

22 MS. COLLINS: Objection to  
23 form.

24 Q. -- at all times?

25 MS. COLLINS: Objection. You

1 K. LEONARDO

2 can answer if you understand.

3 A. I really don't understand what  
4 "perfectly normal" means.

5 Q. Did you ever observe Mr.  
6 Stanbro in any type of physical condition  
7 you would characterize as abnormal,  
8 compromised, limited, restricted, other  
9 than the restrictions that would have  
10 resulted from the handcuffs and the leg  
11 irons?

12 MS. COLLINS: I'm objecting to  
13 the form of the question. You can  
14 answer.

15 A. Based off what I believe your  
16 question is, I would say no. I don't think  
17 he looked any different than he would look  
18 for anyone else handcuffed and waist  
19 chained just coming out of sedation.

20 Q. Okay. Where was Mr. Stanbro  
21 when you last saw him that day?

22 A. When I last saw him?

23 Q. Yes.

24 A. I want to say right there on  
25 the floor. Like I said, I kind of stopped

1 K. LEONARDO

2 paying attention at that point and went  
3 back to my duties with my inmates.

4 Q. Did you ever see him exit the  
5 room?

6 A. No.

7 Q. Did you ever see him exit the  
8 premises of the hospital?

9 A. No.

10 Q. Did you see anything that you  
11 believe could have caused any type of  
12 bruise to any portion of Mr. Stanbro's  
13 neck?

14 A. No. Not that I saw, no.

15 Q. The inmates who you brought to  
16 the dental clinic from Greene, did they  
17 undergo some type of sedation during their  
18 procedures?

19 A. Yeah. If we are going to use  
20 the term "sedation," I don't know exactly  
21 what they give, but I would assume they get  
22 something to ease the pain throughout the  
23 sedation, so yes. Some sort of sedation.

24 Q. Did you escort those Greene  
25 inmates out of the clinic that day?

1 K. LEONARDO

2 A. The ones I brought with me,  
3 yes. All four of them.

4 Q. Did all four of them walk out  
5 on their own accord, or go out in a  
6 wheelchair, or something else?

7 A. No. They walked out.

8 Q. On any of the prior occasions  
9 when you brought inmates to the dental  
10 clinic, were any of those inmates taken out  
11 in a wheelchair?

12 A. No.

13 Q. Do you know how Mr. Stanbro was  
14 taken out of the clinic?

15 A. I do not. I wasn't there when  
16 he left the room.

17 Q. Did you see or hear anything  
18 that you believe would have required Mr.  
19 Stanbro to be brought out in a wheelchair?

20 A. No.

21 Q. When you heard Mr. Stanbro  
22 arguing with the dentist at the point when  
23 you first saw him get agitated, did you  
24 notice any problems or impairment with his  
25 speech?

1 K. LEONARDO

2 Stanbro, though? What was your impression  
3 of that when you left the hospital?

4 MS. COLLINS: Objection to the  
5 form of the question. You can answer  
6 if you understand it.

7 A. Can you rephrase the question?  
8 I don't understand what you're asking.

9 Q. Did you believe Mr. Stanbro was  
10 injured a result of this incident?

11 A. No.

12 Q. Okay. Now, about one-third of  
13 the way down on page one of Exhibit 24, it  
14 says identify all staff involved in the use  
15 of force. And you only put yourself; is  
16 that correct?

17 A. Correct.

18 Q. Why did you not list any of the  
19 other officers?

20 A. If you go down a little  
21 further, you see in the paragraph, I was  
22 unsure of the officer's names at the time,  
23 so I think I addressed them as the Fishkill  
24 officers, or the officers owning the  
25 inmate, or the owning facility. I was

K. LEONARDO

C E R T I F I C A T E

STATE OF NEW YORK )

: SS.:

COUNTY OF ORANGE )

I, VICTORIA CHUMAS, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or by marriage and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of March 2021.



VICTORIA CHUMAS